PROBATE COURT

In 1818, the court of probate was established in each county, the members of which were appointed by the governor, and from which appeals might be taken to the supreme court. These courts continued in operation until Michigan became a state.

The Revised Statutes of 1838 made the office of Judge of Probate elective for a term of 4 years. The Constitution of 1850 provided for a probate court in each county.

Jurisdiction

The Constitution of 1908 and subsequent acts of the legislature have provided for the jurisdiction of the probate court.

The Constitution of 1963 provides that "the jurisdiction, powers and duties of the probate court and of the judges thereof shall be provided by law. They shall have original jurisdiction in all cases of juvenile delinquents and dependents, except as otherwise provided by law." Law currently provides that the probate court has jurisdiction over the administration of decedents' estates and of trusts, over guardianships and conservatorships, and over the involuntary commitment of mentally ill persons. As of the January 1, 1998 creation of the family division of the circuit court, many now former probate court matters, such as juvenile delinquency, neglect/abuse, and adoption proceedings, were transferred to the jurisdiction of the circuit court.

Probate judges are elected on a nonpartisan ballot for six-year terms, subject to the same requirements as other judges. The legislature sets their salaries, which may be supplemented by counties.

Under Act 271 of 1969, 20 proposed probate districts were created. However, at a special election held on November 4, 1969, only 4 counties voted to approve and establish probate districts. The counties of Charlevoix and Emmet were joined as the 7th Probate District and Gladwin and Clare counties were joined as the 17th Probate District. Under Act 253 of 1974, the voter-approved 5th Probate District, consisting of Alger and Schoolcraft counties, was established. Under Act 45 of 1976, the voter-approved 18th Probate District, consisting of Mecosta and Osceola counties, was established. Luce and Mackinac counties comprise the 6th Probate District.

Caseload TRENDS IN NEW FILINGS OF CASES IN THE PROBATE COURT 1997-2000

Case Type	1997	1998	1999	2000
Supervised Estates	6,344	6,170	5,985	2,269
Independent Estates	13,513	14,548	14,831	16,453
Trusts	613	784	747	825
Guardians DDP	2,479	2,591	2,486	1,912
Limited Guardians	2,967	2,958	2,818	2,688
Other Guardians	14,368	15,382	14,552	13,564
Conservators	8,024	7,999	7,532	7,481
Civil Actions	222	299	296	302
Judicial & Administrative Admissions DDP	47	54	38	57
Mentally Ill Petitions	14,774	15,394	14,227	14,819
Assignment of Property	8,096	8,110	7,972	7,568
Protective Orders	247	243	249	381
Marriages	509	543	508	525
Safe Deposit Box	282	275	243	299
Safekeeping Trust & Wills	11,763	12,050	11,781	9,826
Appeals to Probate Court	11	11	3	7
Determine Heirs	120	72	23	50
Total	84,379	87,483	84,291	79,026

MICHIGAN PROBATE COURTS AND PROBATE COURT DISTRICTS



LEGEND TOTALS

- (#) Probate Court Districts 106 Judgeships
- (#) Number of Probate Court Judgeships 78 - Number of Probate Courts